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PPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/795,821	03/09/2004	Chih-I Chien	J2P4004-P1687US	2775
46698	7590 06/28/2005		EXAMINER	
CHIH-I CH	IEN		IZAGUIRRI	E, ISMAEL
	HO BOX 8-24		ART UNIT	PAPER NUMBER
TAIPEI HSIE	N,		ARTONII	PAPER NUMBER
TAIWAN			3765	

DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)				
Office Action Commence	10/795,821	CHIEN, CHIH-I				
Office Action Summary	Examiner	Art Unit				
	Ismael Izaguirre	3765				
The MAILING DATE of this communication apportunity  Period for Reply	ears on the cover sheet with the co	orrespondence address				
A SHORTENED STATUTORY PERIOD FOR REPLY THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply - If NO period for reply is specified above, the maximum statutory period w - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	6(a). In no event, however, may a reply be tim within the statutory minimum of thirty (30) days ill apply and will expire SIX (6) MONTHS from the cause the application to become ABANDONED	ely filed s will be considered timely. the mailing date of this communication. O (35 U.S.C. § 133).				
Status						
1) Responsive to communication(s) filed on 1/12/0	05 (change of address).					
2a) ☐ This action is <b>FINAL</b> . 2b) ☑ This						
3) Since this application is in condition for allowance except for formal matters, prosecution as to the ments is						
closed in accordance with the practice under E	x parte Quayle, 1935 C.D. 11, 45	3 O.G. 213.				
Disposition of Claims						
4)⊠ Claim(s) <u>1-6</u> is/are pending in the application.						
4a) Of the above claim(s) is/are withdrawn from consideration.						
5) Claim(s) is/are allowed.						
6)⊠ Claim(s) <u>1-6</u> is/are rejected.						
7) Claim(s) is/are objected to.						
8) Claim(s) are subject to restriction and/or	election requirement.					
Application Papers						
9) The specification is objected to by the Examiner	r.					
10)☐ The drawing(s) filed on is/are: a)☐ accepted or b)☐ objected to by the Examiner.						
Applicant may not request that any objection to the o						
Replacement drawing sheet(s) including the correcting 11) The oath or declaration is objected to by the Ex						
Priority under 35 U.S.C. § 119	,					
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:						
1. Certified copies of the priority documents have been received.						
2. Certified copies of the priority documents have been received in Application No						
3. Copies of the certified copies of the priority documents have been received in this National Stage						
application from the International Bureau (PCT Rule 17.2(a)).						
* See the attached detailed Office action for a list of the certified copies not received.						
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Attachment(s)  1) Notice of References Cited (PTO-892)  4) Interview Summary (PTO-413)						
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	Paper No(s)/Mail Da					
Paper No(s)/Mail Date						

### **DETAILED ACTION**

#### **CLAIMS**

Claim 1 is the independent claims under consideration in this Office Action.

Claims 2-6 are the dependent claims under consideration in this Office Action.

# Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

The disclosed invention is inoperative and therefore lacks utility. In applicant's disclosure (see the specification, page 5, lines 17-28), applicant notes that the sewing machine forms seams (page 5, line 27) and notes feeding the "wire" through and winding around the "wire-winding wheel" and being used for forming a seam. The claims define a wire-guiding structure of a shuttle of a sewing machine. A sewing machine of the type which has a "wire-winding wheel" or "bobbin" requires a rotating hook (see 7 in figure 4a, for example) and a bottom thread ("wire") bundle passing, in its entirety; through an expanded needle loop in order for form a proper line or series of stitches (namely, lockstitches). See "BEYOND THE PATTERN Great Sewing Techniques for Clothing" page 16 and specifically the paragraph titled "clearing the bobbin" which bridges pages 16 and 17.

In applicant's invention, with the "wire" (thread) coming from outside the shuttle and passing through and winding around the "bobbin" and then out to the hook, a line or series of stitches cannot be formed, and in fact, a tangling (and eventual breakage) of the lower "wire" (thread) would occur.

# Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-6 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claims contain subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The claims define a sewing machine including providing a "wire" (thread) and routing the thread from outside the shuttle to the hook and winding the thread about a "wirewinding wheel" and then out the shuttle. A sewing machine requires a lower thread bundle passing, in its entirety, through an expanded needle loop in order for form a proper line or series of stitches (lockstitches), (see BEYOND THE PATTERN... as noted above).

In applicant's invention, with the "wire" passing from outside to and through the shuttle and then out the shuttle, a line or series of stitches cannot be formed by the invention as claimed and would require undue experimentation in order to make this invention work.

### Allowable Subject Matter

Claim 1 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, set forth in this Office action.

Art Unit: 3765

Claims 2-6 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

#### PERTINENT CITATIONS

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kucera et al. illustrates a spring on the outermost part of the hook. Hara et al. illustrate a device for guiding a lower thread emanating from a shuttle. Siebrasse illustrates a look-taker including springs on the ends thereof. Katayama et al. illustrate a device for winding a bobbin with thread. Chang illustrates a dual shuttle apparatus where one shuttle is in use while the other is being reloaded with thread. When on is used up, the other takes its place for continued sewing. Darling illustrates a knitting machine including a thread feed including a spool.

### *INQUIRIES*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ismael Izaguirre whose telephone number is (571) 272-4987. The examiner can normally be reached on M-F (8:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Calvert can be reached on (571) 272-4983. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3765

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ismael Izaguirre Primary Examiner Art Unit 3765

II 6/23/05